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July 25, 2005

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Attention: TRADEMARK TRIAL AND APPEAL BOARD

Our Ref.: 215096

Re: NOTICE OF OPPOSITION
To Trademark Application No. 78/458849
For AVE MARIA RADIO

Dear Sir:

1. We submit herewith two copies of Notice of Opposition to the above referenced application.
2. The official fee of \$300.00 is covered by the attached check. Please charge Deposit Account No. 01-0035 for any additional fees not fully covered by said check.
3. Kindly acknowledge receipt by returning the attached card.

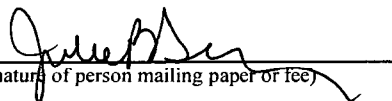
Respectfully Submitted,

CERTIFICATE OF MAILING

Date of Deposit : July 25, 2005

I hereby certify that this correspondence is being deposited with the United States Postal service as First Class Mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451

JULIE B. SEYLER


(Signature of person mailing paper or fee)


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07-28-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #64

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application No. 78/458849
Published June 28, 2005

Associazione Radio Maria	:	
Opposer,	:	
	:	
v.	:	Opposition No.
	:	
Ave Maria Communications	:	
Applicant.	:	

NOTICE OF OPPOSITION

Associazione Radio Maria, a company organized and existing under the laws of Italy, with an office at 38, via Fiume, 21100 Varese, Italy hereby believes that it will be damaged by registration of the mark shown in Application Serial No. 78/458849 and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Applicant is seeking to register the mark **AVE MARIA RADIO** for production of radio programs in Class 41.
2. Opposer is the owner of Registration No. 1,924,809 for **RADIO MARIA** for radio broadcasting stations.
3. Opposer has used its mark in commerce since at least as early as December, 1992 and thus long prior to the July 29, 2004 filing date of Applicant's intent to use application.
4. Applicant's mark **AVE MARIA RADIO** is substantially similar to Opposer's mark, **RADIO MARIA**.
5. The word **MARIA** in Opposer's mark is distinct and arbitrary with respect to Opposer's services.

6. Applicant's mark **AVE RADIO MARIA** incorporates the identical, distinct and arbitrary word **MARIA** as well as Applicant's mark in its entirety and as a result thereof purchaser confusion is likely.

7. Applicant's services are closely related to Opposer's services.

8. In view of the substantial similarity of the marks and the commercial relationship between the services, registration of the mark **AVE RADIO MARIA** is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's services, and therefore it is requested that registration to Applicant be refused under Section 2(d) of the Trademark Act.

AFFIRMATIVE DEFENSES


9. Applicant filed Application No. 76/004563 for AVE MARIA RADIO for radio broadcasting services.

10. On July 22, 2005 Applicant abandoned said application without the consent of Opposer.

11. The express abandonment of Application No. 76/004653 bars Applicant's registration of the identical mark for closely related services.

WHEREFORE, Opposer believes that it will be damaged by the registration of Application Serial No. 78/458849 and respectfully requests that registration be refused and this opposition be sustained.

Respectfully submitted,


JULIE B. SEYLER
Attorney for Opposer

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